

Application Serial No: 10/511,588

Responsive to the Office Action mailed on: November 24, 2008

### REMARKS

This Amendment is in response to the Office Action mailed on November 24, 2008. Claims 1, 4, 13 and 17 are amended. Claims 1, 13 and 17 are supported, for example, in Figures 5A and 5B. Claim 4 is supported, for example, in Figure 5A. No new matter is added. Claims 1 and 4-18 are pending.

#### §102 Rejections:

Claims 1, 4-6, 9-13, 17 and 18 are rejected as being anticipated by Maisey (WO Publication No. 02/18940). This rejection is traversed.

Claim 1 is directed to an analytical tool cartridge. Claims 13 and 17 are each directed to a set of an analytical tool cartridge and an analyzer. The analytical tool cartridge of claims 1, 13 and 17 each requires, among other features, a plurality of analytical tools stored in a storage space in a stacked state, a retrieval mechanism for retrieving the analytical tools one at a time from a case via a retrieval port, and an opening/closing mechanism for opening and closing the retrieval port. The retrieval mechanism and the opening/closing mechanism are integral with each other as a single operating body. The operating body is formed in a loop encircling the plurality of analytical tools.

Maisey does not disclose or suggest these features. The rejection interprets the test strips 16 and the transport member 4 of Maisey as the analytical tools and the operating body, respectively of claims 1, 13 and 17. While the transport member 4 has a loop-like shape, as shown in Figure 3a of Maisey, the transport member 4 clearly does encircle the plurality of test strips 16. Moreover, nowhere does Maisey disclose or suggest that the transport member 4 is formed in a loop encircling the plurality of test strips 16, as required by the operating body and the plurality of analytical tools respectively of claims 1, 13 and 17. For at least these reasons claims 1, 13 and 17 are not disclosed by Maisey and should be allowed. Claims 4-6 and 9-12 depend from claim 1 and should be allowed for at least the same reasons. Claim 18 depends from claim 17 and should be allowed for at least the same reasons.

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§103 Rejections:

Claims 7 and 8 are rejected as being unpatentable over Maisey. This rejection is traversed. Claims 7 and 8 depend from claim 1 and should be allowed for at least the same reasons discussed above. Applicant does not concede the correctness of this rejection.

Conclusion:

Applicant respectfully asserts that claims 1 and 4-18 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, James A. Larson (Reg. No. 40,443), at (612) 455-3805.



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Respectfully submitted,

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